

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CAREPOINT HEALTH SYSTEMS
INC. ,HUDSON HOSPITAL OPCO
LLC d/b/a CAREPOINT HEALTH –
CHRIST HOSPITAL, IJKG, LLC,
IJKG PROPCO LLC and IJKG OPCO
LLC d/b/a CAREPOINT HEALTH –
BAYONNE MEDICAL CENTER, and
HUMC OPCO LLC d/b/a CAREPOINT
HEALTH – HOBOKEN UNIVERSITY
MEDICAL CENTER

Plaintiffs,

v.

RWJ BARNABAS HEALTH, INC.

Defendant.

Hon. Evelyn Padin, U.S.D.J

Hon. Cathy L. Waldor, U.S.M.J.

Civil Action No.

2:22-cv-05421-EP-CLW

**JOINT STIPULATION AND
ORDER REGARDING THIRD
AMENDED COMPLAINT AND
SCHEDULING OF RESPONSE**

WHEREAS Plaintiffs (“CarePoint”) filed their Complaint against RWJ Barnabas Health, Inc. (“Barnabas”) in this Court on September 6, 2022 [ECF 1], their Amended Complaint on September 14, 2022 [ECF 8], and were granted leave by Order of this Court on January 23, 2023 [ECF 24] to file their Second Amended Complaint [ECF 19-2], which was deemed filed as of that date;

WHEREAS CarePoint desires to file a Third Amended Complaint, which it has shared with counsel for Barnabas;

WHEREAS Counsel for Barnabas consents to the filing of the Third Amended Complaint in the form shared with it, while reserving all rights as to its response to the Third Amended Complaint; and

WHEREAS in light of Barnabas' agreement to the filing of the Third Amended Complaint, the Parties agree that any response thereto shall be due thirty (30) days from the date of its filing.

NOW, THEREFORE, subject to the Court's approval, the parties stipulate as follows:

1. Barnabas shall not be required to respond to CarePoint's Second Amended Complaint.
2. CarePoint shall, upon entry of the Court's approval of this stipulation, file its Third Amended Complaint ("TAC") as soon as practicable.
3. Barnabas shall serve, but not file, its Motion to Dismiss the TAC ("Motion") within thirty (30) days after the TAC's filing.
4. CarePoint shall serve, but not file, their Opposition to the Motion ("Opposition") within sixty (60) days after the TAC's filing, or thirty (30) days after being served with the Motion – whichever is greater.
5. Barnabas shall serve, but not file, its reply to the Opposition within ninety (90) days after the TAC's filing, or thirty (30) days after being served with the Opposition – whichever is greater.

6. The parties shall promptly thereafter coordinate to electronically file their respective submissions on the docket for this matter.

SO

ORDERED

Date: 2/6/2023

s/ Cathy L. Waldor

Hon. Cathy L. Waldor, U.S.M.J.

February 3, 2023

Respectfully Submitted,

/s/ Patrick M. Harrington

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